

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:16-CV-00144-FL

PATRICIA A. LANGEVIN,

Plaintiff

v.

NANCY A. BERRYHILL,
Acting Commissioner of
Social Security,

Defendant.

ORDER

Plaintiff's counsel filed a motion for approval of attorney's fees under section 206(b) of the Social Security Act, 42 U.S.C. § 406(b), in the amount of \$ 13,318.25. Attorney's fees under section 206(b) are paid from past-due benefits awarded to a successful claimant. 42 U.S.C. § 406(b). Plaintiff has previously been awarded attorney's fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, in the amount of \$ 6,060.12, however, these fees were applied, in full, to debts previously owed by Plaintiff, by the Department of the Treasury. No EAJA fees are to be refunded to Plaintiff in this matter. Defendant filed a response, stating that under *Gisbrecht v. Barnhart*, 535 U.S. 789 (2002), it is the duty of the Court to determine a reasonable fee.

It is ORDERED that Plaintiff's counsel be awarded fees under 42 U.S.C. § 406(b) in the amount of \$13,318.25.

This 3rd day of October, 2018.



LOUISE W. FLANAGAN
UNITED STATES DISTRICT JUDGE